

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular and Conference Meeting

September 12, 2013

The Regular and Conference Meeting of the Board of Adjustment was called to order at 7:30 PM in the Public Meeting Room.

It was confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

Roll Call:

Members present were Mr. Bussiculo, Mr. Boyer, Mr. Smith, Mr. Minkoff, Mr. Siburn, Mr. Delia and Mrs. Granholm. Mr. Miller and Mr. Sullivan were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

Application for Review:

CARRIED FROM AUGUST 8, 2013:

App. #16-13: Michael Hayes, 314 Washington Street, Block 208, Lot 17 (R-10 Zone)

Proposed new, detached garage (24' x 28' x 20' high) will replace the existing (20' x 20' x 13' high) detached garage. A second-story work shop area is proposed to be built in the new garage and used for a hobby of wood working. In addition, an existing shed (8' x 12' x 10' high) will be relocated. Relief is needed from Section 6.1.1B "Schedule of General Regulations" for exceeding "Other Coverage."

Michael Hayes, applicant, was sworn and stated that he has revised the plans to provide more details as requested by the Board. He now proposes to convert the second floor of the garage to just a storage room. He has removed the dormers, windows and staircase and added more structural details to the plans.

Discussion took place regarding whether or not the plans as revised are sufficient enough for the building inspector.

In response to questions, Mr. Hayes stated that the siding and roof pitch will match the house. The height of the proposed garage is 20'. He has hired a professional contractor who will work with the building inspector. He is considering not having a shed but would like to have approval for a 10 x 10 shed if he decides that he needs it.

Further discussion took place regarding the applicant's proposal and whether or not the plans provided are sufficient. Concern was expressed about approving a rough sketch.

Open to Public

The hearing was opened to the public for questions or comments regarding the application. There were no members of the public who had questions or comments and the hearing was closed to the public.

The application was carried to the meeting on September 26, 2013 with no further notice required. The applicant will provide more detailed plans.

Informal Review of New Applications:

App. #17-13: AM Real Estate LLC (7-ELEVEN), 416 Springfield Avenue, Block 208, Lots 18 & 18.01 (DD-Zone)

Proposed installation of three free standing ground signs along the frontage of the two lots. These signs are not permitted in the Downtown Zone District. The subject of this application is the 7-Eleven franchise grocery store which received site plan waiver approval by the Berkeley Heights Planning Board (App. #SP-3-13: Mazzocchi Mortaruolo LLC) in May 2013.

Joseph Murray, attorney for the applicant, stated that the structure is the former Krauser's store, which is to be remodeled and occupied for use by a 7-11 store, which is a nationwide franchise operation. The proposed operator of the store and the owner of the site were present. Mr. Murray stated that a site plan waiver was previously granted by the Planning Board with regard to the site but that did not encompass any relief with respect to on-site free-standing signs. There have been proposed substantial on-site improvements as part of the site plan including replacement or repair and restriping of the existing parking lot. The applicant is seeking approval from the Board of Adjustment for the free standing signs.

Mr. Murray further stated that the applicant and the sign designer for 7-11 are aware of the signage restrictions for the downtown district and that there are provisions in the ordinance that allow the board to modify the standards. The applicant proposes to present at the hearing some concerns with respect to the existing standards and is prepared to show at the hearing a variety of existing signs in the downtown district that do not comply. The applicant is proposing three signs – entrance and exit signs and a tenant designation sign which would be located inside of the sidewalk in front of the strip mall. They will be seeking a modification of the type of sign that will contain names of the tenants. Of concern to his client is the fact that 7-11 will not let them open the door for business unless the signs are consistent with what 7-11 wants.

Discussion took place regarding the proposed signage and it was suggested that the applicant look at the recently approved sign for Suburban Eye Center.

Mr. Murray introduced Joe Bollock, project coordinator for signs of Signs By Tomorrow. They are the sign installers and contractors for the tri-state area for 7-11. Mr. Bollock presented examples of the proposed signs that would be made of high density urethane that looks like wood. The Board provided input with regard to the signs and Mr. Bollock stated that he will go back to 7-11 and present revised plans at the hearing.

The application was deemed complete and scheduled for hearing on September 26, 2013 with required notice to be sent.

App.#18-13: 65 Heights LLC (Chris Kwak), 65 Park Avenue, Block 608, Lot 8 (R-10 Zone)

Proposed expansion and renovation of existing structure which contains 3 one-bedroom residential units in a district that prohibits multiple-family dwellings. The plan includes demolishing the detached garage and existing driveway off Park Ave. and building a new, six-car parking lot which enters and exits onto Berkeley Avenue. The addition of 1008 sq. ft. will result in a building with 2 two-bedroom units and 1 one-bedroom unit. Relief is needed from: MLUL Section 40:55D-70.d.(1) "a use or principal structure in a district restricted against such use or principal structure"; MLUL Section 40:55D-70.d.(2) "an expansion of a nonconforming use"; and Section 6.1.1B Schedule of General Regulations for "other" coverage and "Total Lot" coverage. Nonconforming conditions are principal front-yard setback, existing "other" coverage, existing building height and existing nonconforming use (3-family dwelling).

Jay Delaney, attorney for applicant, introduced Chris Kwak, property owner, William Toth, architect, and Tom Murphy, engineer, who will be testifying as to this application at the public hearing.

Mr. Delaney stated that the applicant owns an existing three 1-bedroom apartment home that he proposes to renovate into two 2-bedroom and one 1-bedroom units. A number of variances are required.

In response to questions, Mr. Kwak stated that the house is currently vacant. It was last occupied about one year ago as a three-family home.

Mr. Bernstein discussed the law and the provisions of the ordinance with respect to non-conforming uses and abandonment. The applicant is entitled to continue the use but needs a variance for any expansion.

Discussion took place regarding concerns with respect to the proposed parking lot and it was recommended that Board members go by and see the property.

Discussion took place regarding whether or not the Township Planner, Mike Mistretta should review this and the consensus of the Board was in favor of having Mr. Mistretta involved.

The application was deemed complete and scheduled for October 24, 2013 with appropriate notice required. The applicant is to advise if he is willing to accept the cost of review by the Township Planner.

App.#19-13: Kevin & Eileen Granelli, 40 Bristol Court, Block 1503, Lot 16 (R-15 Zone)

Proposed one-story addition to rear of this single-family dwelling, second-story addition above existing garage, new covered deck and paver patio. Relief is needed from Section 6.1.1B. "Schedule of General Regulations" for exceeding the 15% limit on Building Coverage and the 25% limit on Total Coverage.

Mr. Granelli stated that he is proposing to update and expand their current residence. This would include expansion and updating of the kitchen, increasing the size of the family room, relocation of the laundry room, creation of a mud room and a stairway in the garage to another room for the kids.

James Ramentol, architect, stated that the improvements will result in an approximate increase of 6½% in building coverage and an overall coverage increase from 21.07% to 27.73%, which will require two variances. Everything

else, including side yard setbacks, is conforming. This will result in a significant positive improvement to the house with no impact on either of the neighboring properties. Mr. Ramentol described the proposed improvements to the outdoor living space and the current storm water system.

The application was deemed complete and scheduled for hearing September 26, 2013 with appropriate notice to be sent.

App.#20-13: William L. Gorski, 23 Roosevelt Avenue, Block 1302, Lot 3 (R-15 Zone)

Sheds on property do not conform to Section 6.3.1.B.4. which limits the total area of the sheds to 100 square feet.

Mr. Gorski stated that he started to construct an expansion to his 8 x 12 shed not knowing that he needed approval. Someone from the town came to his home and told him that the proposed 144 square foot shed that he was constructing would exceed what is allowed and a variance would be needed. He is removing a shed that he built in 1991 for which he did not get a permit since he did not know one was needed.

In response to questions, Mr. Gorski stated that the purpose of the 48' shed is storage of fishing gear. The proposed shed will be very secluded with only about 3' of the shed being visible from the street. The height will be about 7' at the peak and there will be no electricity or plumbing. The siding will be the same color as the house and there will be one door on the existing shed and one door on the expansion.

The Board Secretary will check the records to see what other size sheds have been approved in the past.

The application was deemed complete and scheduled for hearing on September 26, 2013 with appropriate notice to be sent. The applicant was also asked to bring photographs of what will be seen by the neighbors.

Adoption of Resolutions:

Two resolutions for Firestone:

App. #10-13: Firestone, 292 Springfield Avenue, Block 801, Lot 27 (HB-2 Zone)

Addition of lean-to roof attached to the rear of the existing building. Relief is needed from: Section 6.1.1B, "Schedule of General Regulations" because the

roof addition does not conform to the principal rear-yard setback requirements and Section 10.6.3D.4 which sets forth buffering requirements.

A motion was made by Mr. Smith, seconded by Mr. Delia, to adopt the above Resolution with respect to site plan waiver. The voice vote was unanimous with Mr. Bussiculo, Mr. Smith and Mr. Delia voting in favor.

A motion was made by Mr. Delia, seconded by Mr. Smith, to adopt the above Resolution with respect to variance approval. The voice vote was unanimous with Mr. Bussiculo, Mr. Smith and Mr. Delia voting in favor.

App. #14-13: The Lusardi Group, 50 Industrial Road, Block 1301, Lot 14.01 (LI Zone)

Applicant is seeking conditional use approval to park its tractor trailer moving trucks overnight at the rear of the property. Since all conditions of the conditional use will not be met, Zoning Board approval is required. (Tractor trailers are not allowed under Section 7.1.5.K.7. of the ordinance.) The applicant is also proposing to create a parking area in the front yard for staff and customers which is not permitted in the LI Zone. The new parking area would result in "other coverage" and "combined coverage" limits being exceeded. Finally, the application includes a free-standing sign in the front yard (not permitted as per Section 5.4.3.).

A motion was made by Mr. Siburn, seconded by Mr. Delia, to adopt the above Resolution. The voice vote was unanimous with Mr. Bussiculo, Mr. Minkoff, Mr. Siburn, Mr. Smith and Mr. Delia voting in favor.

Approval of Minutes

Regular Meeting – July 11, 2013

A motion was made by Mr. Siburn, seconded by Mr. Smith, and carried by unanimous voice vote to adopt the minutes of the July 11, 2013 Regular Meeting as presented.

Adjournment:

A motion was made by Mr. Smith, seconded by Mr. Delia, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 9:42 PM.

Regina Giardina, Secretary Pro Tem